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UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN FRANCISCO DIVISION

WAYMO LLC,

Plaintiff,

v.

UBER TECHNOLOGIES, INC., *et al.*,

Defendants.

Case No.: 3:17-cv-00939 WHA

**DECLARATION OF MILES EHRLICH
 IN SUPPORT OF DEFENDANTS'
 ADMINISTRATIVE MOTION TO FILE
 UNDER SEAL THEIR OPPOSITION
 TO WAYMO'S MOTION FOR
 CONTINUANCE OF TRIAL DATE**

I, Miles Ehrlich, declare as follows:

1. I am an attorney licensed to practice in the State of California and am admitted to practice before this Court. I am a partner at the law firm Ramsey & Ehrlich LLP, counsel for Non-Party Anthony Levandowski. I have personal knowledge of the matters set forth in this Declaration, and if called as a witness I would testify competently to those matters.

2. I make this declaration in support of Defendants' Administrative Motion to File Under Seal Their Opposition to Waymo's Motion For Continuance Of Trial, filed on September 19, 2017, Docket No. 1623 (the "Administrative Motion"). The Administrative Motion seeks an order sealing the following documents based on Mr. Levandowski's designation of

EHRLICH DECLARATION ISO DEFENDANTS' ADMINISTRATIVE MOTION TO FILE UNDER SEAL
 Case No. 3:17-00939-WHA

confidentiality, filed concurrently with the Administrative Motion:

Document	Portion to Be Filed Under Seal	Designating Party
Opposition to Waymo's Motion for Continuance of Trial Date ("Opposition")	Highlighted Portions	Anthony Levandowski (Yellow)
Declaration of Arturo J. Gonzalez ISO Defs. Opposition to Waymo's Motion for Continuance of Trial Date ("Gonzalez Declaration")	Highlighted Portions	Anthony Levandowski (Yellow)
Exhibits 2-7	Entireties	Anthony Levandowski

3. The yellow highlighted portions of the Opposition primarily contain references to the contents of the Stroz report, which Mr. Levandowski has asserted and continues to assert is protected from disclosure under his Fifth Amendment privilege against self-incrimination under *Fisher v. United States*, 425 U.S. 391 (1975), and *United States v. Sideman & Bancroft, LLP*, 704 F.3d 1197 (9th Cir. 2013), as well as by the common interest/joint defense, attorney-client and attorney work product privileges. *See, e.g.*, Non-Party Anthony Levandowski's Motion for Protective Order, filed on October 19, 2017, Dkt. No. 1682. Mr. Levandowski does not assert that the yellow highlighted portion of the Opposition at 6:27 is protected from disclosure. Aside from the highlighted portion at 6:27, we ask that the confidentiality of the remaining highlighted portions of the Opposition be maintained until Mr. Levandowski's Motion for Protective Order is resolved.

4. Mr. Levandowski does not assert that the yellow highlighted portions of the Gonzalez Declaration merit sealing.

5. In addition, Mr. Levandowski does not assert that Exhibits 2-7 to the Gonzalez Declaration merit sealing.

I declare under penalty of perjury under the laws of the State of California and the United

1 States of America that the foregoing is true and correct, and that this declaration was executed in
2 Berkeley, California, on September 22, 2017.

3
4 Date: September 22, 2017

Respectfully submitted,

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6 /s/ Miles Ehrlich

Miles Ehrlich

Ramsey & Ehrlich LLP

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8 *Counsel for Non-Party Anthony*
9 *Levandowski*
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